

Appl No. 09/784,693
Response dated May 25, 2005
Reply to Office Action of March 22, 2005

REMARKS

This is in response to the Office Action dated March 22, 2005. There are presently 12 claims pending in the case and all claims stand rejected. This response is being submitted in order to place the case in condition for allowance.

Applicant would first like to thank the Examiner for allowing us to conduct the telephonic interview with him on March 10, 2005.

In this response, independent claims 1, 6 and 10, and dependent claim 12 have been amended and dependent claim 7 has been cancelled.

In the Office Action, the Examiner rejected the claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Marble in view of a patent to Calixto. Applicant acknowledges the rejection of the Examiner and respectfully traverses.

It is clear in the amended claims that the present device has been claimed to reflect that the capped portion of the device, which together with the ridges on the under surface of the cap allow the cap to form a sealed connection throughout its area with a caulking sealant material. It is clear that this structure overcomes the Marble reference since Marble does not teach the use of ridges positioned on the underside of the cap portion. Although the Examiner noted that the Calixto reference taught such ridges, it is clear that the Calixto reference is being utilized to overcome stresses in expansion joints, as opposed to the use that is being currently claimed in the present invention. Applicant would suggest that the Calixto reference is in fact a reference that could not be utilized with caulking sealant material as is currently claimed in the independent claims.

That being the case, applicant would suggest that the claims should be re-examined and the claims are in condition for allowance.

Applicant respectfully submits that the application is in condition for allowance. A Notice of Allowance is hereby respectfully requested.

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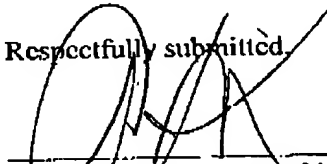
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Should the Examiner feel that a telephone conference would advance the prosecution of this application, he is encouraged to contact the undersigned at the telephone number listed below.

Applicant respectfully petitions the Commissioner for any extension of time necessary to render this paper timely.

Please charge any additional fees due or credit any overpayment to Deposit Account No. 50-0694.

Respectfully submitted,



Gregory C. Smith, Reg. No. 29,441
Charles C. Garvey, Jr., Reg. No. 27,889
Seth M. Nchrbass, Reg. No. 31,281
Stephen R. Doody, Reg. No. 29,062
Brett A. North, Reg. No. 42,040
GARVEY, SMITH, NEHRBASS & DOODY, L.L.C.
PTO Customer No. 22920
3838 N. Causeway Blvd., Suite 3290
Metairie, LA 70002
Tel.: (504) 835-2000
Fax: 504-835-2070
www.neworleanspatents.com

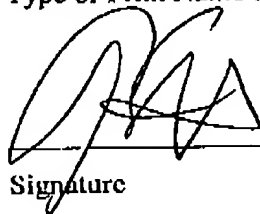
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (8 pages total) is being facsimile transmitted to the
Commissioner of Patents and Trademarks at (703) 872-9306 on the date shown below.

Gregory C. Smith

Type or Print Name of Person Signing Certificate


Signature

5/25/05
Date

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